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HOUSE BILL 703

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO LAW ENFORCEMENT; CHANGING THE NAME OF THE TRAINING AND RECRUITING DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY; CHANGING REPORTING REQUIREMENTS OF THE DIRECTOR OF THE DIVISION; EXPANDING THE POWERS AND DUTIES OF THE DIRECTOR OF THE DIVISION; PROVIDING FOR THE PRIORITIZED SCHEDULING OF ALL NEW MEXICO LAW ENFORCEMENT ACADEMY FACILITIES; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-19-4 NMSA 1978 (being Laws 1987, Chapter 254, Section 4, as amended) is amended to read:

"9-19-4. DEPARTMENT ESTABLISHED.--There is created in the executive branch the "department of public safety". The department shall be a cabinet department and shall consist of, but not be limited to, five program divisions, an

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1 administrative division and an information technology division
2 as follows:

- 3 A. the New Mexico state police division;
- 4 B. the special investigations division;
- 5 C. the New Mexico law enforcement academy training
6 and recruiting division;
- 7 D. the technical and emergency support division;
- 8 E. the administrative services division;
- 9 F. the motor transportation division; and
- 10 G. the information technology division."

11 Section 2. Section 9-19-7 NMSA 1978 (being Laws 1987,
12 Chapter 254, Section 7, as amended) is amended to read:

13 "9-19-7. ORGANIZATIONAL UNITS OF DEPARTMENT--POWERS AND
14 DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--

15 A. The organizational units of the department and
16 the officers of those units specified by law shall have all the
17 powers and duties enumerated in the specific laws involved.
18 However, the carrying out of those powers and duties shall be
19 subject to the direction and supervision of the secretary, who
20 shall retain the final decision-making authority and
21 responsibility for the administration of any such laws as
22 provided in Subsection B of Section 9-19-6 NMSA 1978, with the
23 exception of the New Mexico law enforcement academy training
24 and recruiting division. The director of the New Mexico law
25 enforcement academy training and recruiting division shall

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1 retain the final decision-making authority and responsibility,
2 with the approval of the New Mexico law enforcement academy
3 board of directors, for the division as set forth in Section
4 9-19-9 NMSA 1978. The department shall have access to all
5 records, data and information of other state departments,
6 agencies and institutions, including its own organizational
7 units, not specifically held confidential by law.

8 B. The New Mexico state police division shall
9 consist of the commissioned officers and civilian personnel,
10 including all communications equipment operators, of the New
11 Mexico state police uniform division and the commissioned
12 officers and civilian personnel of the New Mexico state police
13 criminal division and such other personnel as may be assigned
14 by the secretary or by the governor pursuant to an executive
15 order as authorized in the Department of Public Safety Act.

16 C. The special investigations division shall
17 consist of the staff of the governor's organized crime
18 prevention commission, the enforcement personnel of the
19 ~~[department of alcoholic beverage control]~~ alcohol and gaming
20 division of the regulation and licensing department and such
21 other personnel as may be assigned by the secretary or by the
22 governor pursuant to an executive order as authorized in the
23 Department of Public Safety Act. The division is responsible
24 for the enforcement of the Bingo and Raffle Act and the Liquor
25 Control Act.

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1 D. The technical and emergency support division
2 shall consist of the [~~emergency planning and coordination~~
3 ~~bureau of the department of public safety, the personnel of the~~
4 ~~hazardous materials emergency response program or plan~~] office
5 of emergency management of the department of public safety and
6 [~~such~~] other functions such as communications, crime laboratory
7 and records.

8 E. The New Mexico law enforcement academy training
9 and recruiting division shall consist of the personnel of the
10 New Mexico law enforcement academy [~~the New Mexico state police~~
11 ~~training division and all other training personnel and~~
12 ~~functions of the department as the secretary may transfer to~~
13 ~~this division~~].

14 F. The administrative services division shall
15 consist of the administrative services and services divisions
16 of the New Mexico state police and those administrative support
17 personnel of the other existing departments, divisions or
18 offices as the secretary deems necessary."

19 Section 3. Section 9-19-9 NMSA 1978 (being Laws 1987,
20 Chapter 254, Section 9) is amended to read:

21 "9-19-9. DIRECTORS.--The secretary shall appoint, with
22 the approval of the governor, directors of the divisions as are
23 established within the department; provided, the director of
24 the New Mexico state police division shall be titled the "chief
25 of the New Mexico state police". The director of the New

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1 Mexico law enforcement academy training and recruiting division
2 shall report directly to the governor and the New Mexico law
3 enforcement academy board to allow the division to maintain
4 autonomy consistent with the division's purpose as set forth in
5 Section 29-7-2 NMSA 1978. The positions so appointed are
6 exempt from the Personnel Act."

7 Section 4. Section 29-7-2 NMSA 1978 (being Laws 1969,
8 Chapter 264, Section 2, as amended) is amended to read:

9 "29-7-2. ACADEMY ESTABLISHED.--The "New Mexico law
10 enforcement academy" is established to provide a planned
11 program of basic law enforcement training and in-service law
12 enforcement training for police officers and to furnish
13 instruction and seminars to constantly upgrade law enforcement
14 within the state. The New Mexico law enforcement academy
15 training and recruiting division, a division of the department
16 of public safety, is responsible for the scheduling of all law
17 enforcement academy facilities by prioritizing those
18 facilities' schedules to meet the needs, first and foremost, of
19 the New Mexico law enforcement academy. Preference will then
20 be provided to other state law enforcement agencies or other
21 organizations as space is available."

22 Section 5. Section 29-7-5 NMSA 1978 (being Laws 1969,
23 Chapter 264, Section 7, as amended) is amended to read:

24 "29-7-5. POWERS AND DUTIES OF THE DIRECTOR.--

25 A. The director shall:

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1 [A.] (1) be the chief executive officer of the
2 academy and employ necessary personnel;

3 (2) be a commissioned officer;

4 (3) be bonded as provided in the Surety Bond
5 Act;

6 (4) be confirmed by the senate;

7 [B.] (5) issue a certificate of completion to
8 any person who:

9 [~~(1)~~] (a) graduates from an approved
10 basic law enforcement training program and who satisfies the
11 qualifications for certification as set forth in Section 29-7-6
12 NMSA 1978; or

13 [~~(2)~~] (b) graduates from an approved
14 basic telecommunicator training program and who satisfies the
15 qualifications for certification as set forth in the Public
16 Safety Telecommunicator Training Act;

17 [G.] (6) perform all other acts necessary and
18 appropriate to the carrying out of [~~his~~] the director's duties;

19 [D.] (7) act as executive secretary to the
20 board;

21 [E.] (8) carry out the policy as set by the
22 board; and

23 [F.] (9) annually evaluate the courses of
24 instruction being offered by the academy and make necessary
25 modifications and adjustments to the programs.

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